

1 Roger J. Peven
2 Law Office of Roger J. Peven
3 1408 W. Broadway
4 Spokane, WA 99201
5 Telephone: 509.323.9000
6 Email: rjpeven@gmail.com
7
8
9

10 UNITED STATES DISTRICT COURT FOR THE
11 EASTERN DISTRICT OF WASHINGTON
12 HONORABLE ROSANNA MALOUF PETERSON

13 UNITED STATES OF AMERICA,
14 Plaintiff,

15 vs.

16 OSCAR CHAVEZ-GARCIA,
17 Defendant
18

No. CR-21-6028-RMP-2
MOTION TO CONTINUE and
EXPEDITE

PRETRIAL CONFERENCE:
AUGUST 26, 2021 @9:45 AM

19
20 TO: Joseph H. Harrington, United States Attorney (Acting) E.D.WA
21 Stephanie Van Marter, Assistant United States Attorney E.D.WA

22 **I. Motion**

23 Defendant, Oscar Chavez-Garcia, moves the Court to continue the
24 trial date currently scheduled for September 27, 2021 and pretrial date of
25

Motion to Continue

1 August 26, 2021. An extension of time of at least ninety days is requested
2 based on the memorandum contained herein.

3 **II. Memorandum**

4 Mr. Chavez-Garcia was arrested August 3, 2021. A Superseding
5 Indictment was filed charging Mr. Chavez-Garcia in Count 1, a violation of
6 21 USC §841(a)(1),(b)(1)(A)(vi)(viii), 846 Conspiracy to Distribute 50
7 Grams or More of Actual (Pure) Methamphetamine and 400 Grams or More
8 of Fentanyl. Mr. Chavez-Garcia is detained in federal custody.

9 Additional time is needed to complete investigation on the case
10 including analysis of discovery already received as well as review of
11 discovery not yet received. Additional time is needed to properly investigate
12 the allegations, interview fact witnesses, and consult with expert witnesses.
13 Undersigned counsel entered a notice of appearance on August 4, 2021.

14 The interests of justice are served by the continuance request. As
15 additional discovery analysis is necessary in order to complete review of
16 the case, there is good cause to grant the continuance. Complete review of
17 the discovery is necessary for effective assistance of counsel in this matter.
18 The ends of justice served by granting the continuance outweigh the
19 interest of the public and the defendant in a speedy trial. 18 U.S.C.
20 §3161(h)(7)(A). It is also requested that the motion be expedited.

21 For the reasons contained herein, it is requested that both trial and
22 pretrial be continued in this matter. AUSA Van Marter has been contacted
23 and does object to the continuance request. Mr. Chavez-Garcia has been
24 advised of his right to a speedy trial and waives the same via attached
25 waiver.

1
2 Respectfully Submitted this 20th August, 2021.

3 s/ Roger J. Peven
4 WA 6251
5 Attorneys for Chavez-Garcia
6 Law Offices of Roger J. Peven
7 1408 W. Broadway
8 Spokane, Washington 99201
9 Telephone: (509) 323-9000
10 Email: rjpeven@gmail.com

11 CERTIFICATE OF SERVICE

12 I hereby certify that on August 20, 2021, I electronically filed the
13 foregoing with the Clerk of the Court using the CM/ECF System which will
14 send notification of such filing to the following: Stephanie Van Marter,
15 Assistant United States Attorney.

16 s/ Roger J. Peven
17 WA 6251
18 Attorneys for Chavez-Garcia
19 Law Offices of Roger J. Peven
20 1408 W. Broadway
21 Spokane, Washington 99201
22 Telephone: (509) 323-9000
23 Email: rjpeven@gmail.com

24
25
Motion to Continue